IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No 749 of 2005

Maniram s/o Ramharak
R/o 293 Type II Section-1 BHEL
Ranipur
P.S. Ranipur, District Haridwar

Applicant

Versus

1 State of Uttaranchal
2 IIIrd FTC/Additional District Judge
District Haridwar
3 Ist Additional Civil Judge (JD) Haridwar
4 Jagdish Prasad, s/o Chander Pal Singh
R/o 103, Shri Ram Nagar Jwalapur
PS Jwalapur, District Haridwar

opposite parties

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by applicant Mani Ram for quashing order dated 20.1.2005 passed by Ist Additional Civil Judge (JD) Haridwar in Criminal Complaint Case No. 345 of 2004 under Section 138 of Negotiable Instruments Act, as well as order dated 8.9.2005 passed by IIIrd FTC/ADJ Haridwar in Criminal Revision No. 49 of 2005 Mani Ram Vs Jagdish Prasad.

Brief facts of the case giving rise to this petition are that opposite party No. 4 Jagdish Parsad filed a complaint against Maniram, petitioner under Section 138 of Negotiable Instruments Act.

The petitioner was summoned for facing the trial of the case under the aforesaid section before the trial court.

When the case was posted for final hearing, an application was moved by the petitioner for summoning an expert to examine the entries made in the cheque involved in the case.

The learned trial court vide order dated 20.1.2005 rejected the application.

Against the aforesaid impugned order a revision was filed by the accused/petitioner and the revision was also dismissed vide order dated 8.9. 2005 by the IIIrd FTC/ADJ, Haridwar.

Feeling aggrieved by the aforesaid orders, this petition has been preferred before this court.

Heard Sh.Parikshit Saini, learned counsel for the petitioner, learned AGA and perused the record.

In this case the defence evidence of the case was also over and thereafter the case was listed before the court below for the final arguments.

The accused/petitioner had sufficient opportunity to adduce evidence in support of his contention, but it appears to me that the accused/ petitioner inspite of availing the opportunity had not taken any steps in this regard and at the fag end, moved an application. The application moved by the petitioner clearly indicates that it is an attempt to deliberately linger on the proceedings.

The perusal of the judgment passed by the court below shows that the petitioner has admitted his signatures over the disputed cheque, therefore at the fag end, the application moved by the petitioner for examination of the entries by an expert, made in the cheque appears to be a futile effort to delay the proceedings.

To my mind, the application moved by the petitioner has rightly been rejected by the learned court below, thereafter the revisional court has also dismissed the revision after adopting a correct procedure.

I do not find any infirmity, impropriety, in-correctness or illegality in the impugned order passed by the learned court below. There is no abuse of process of court in the case. I also

do not find that any mandatory provisions of the law has not been complied with by the learned court below.

The petition lacks merit and is liable to be dismissed.

Accordingly the petition is dismissed in limine.

(B.C. Kandpal, J.)

27.10.2005

nbj